

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON  
SEMICONDUCTOR PRODUCTS, INC., and  
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 1:22-cv-00134-DII

**JURY TRIAL DEMANDED**

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON  
SEMICONDUCTOR PRODUCTS, INC., and  
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 1:22-cv-00136-DII

**JURY TRIAL DEMANDED**

**JOINT STATUS REPORT**

Pursuant to this Court’s Order dated June 17, 2024 (Dkt. 95), Plaintiff Netlist, Inc. (“Plaintiff”) and Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively, “Defendants”) hereby submit the following joint status report regarding pending inter partes review proceedings relating to the Patents-in-Suit:

**I. U.S. PATENT NO. 9,824,035 (PTAB CASE NO. IPR2022-00236)  
(FINAL WRITTEN DECISION ISSUED)**

- On December 23, 2021, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 9,824,035.
- On July 19, 2022, the Board granted the Petition and trial was instituted.

- On October 11, 2022, Plaintiff submitted its Patent Owner’s Response.
- On January 17, 2023, Defendants submitted their Reply to Patent Owner’s Response.
- On February 28, 2023, Plaintiff submitted its Sur-Reply to Defendants Reply to Patent Owner’s Response.
- On April 19, 2023, an Oral Argument for the proceeding commenced.
- On June 20, 2023, the Board issued its Final Written Decision affirming validity of claims 2, 6, and 22, and finding claims 1, 10-13, and 21 invalid.
- On July 20, 2023, Defendants filed a request for rehearing and on August 16, 2023, the Board granted the request and found claim 22 invalid. Following the rehearing, the validity of claims 2 and 6 was confirmed, and claims 1, 10-13, 21, and 22 were held invalid.

## **II. U.S. PATENT NO. 10,268,608**

### **A. DEFENDANTS’ FIRST IPR (PTAB CASE NO. IPR2022-00237) (INSTITUTION DENIED)**

- On December 23, 2021, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,268,608.
- On July 19, 2022, the Board denied the Petition, and no trial was instituted.
- On August 12, 2022, the Defendants filed a request for rehearing and on September 16, 2022, the Board denied the request.

### **B. SAMSUNG’S IPR (PTAB CASE NO. IPR2023-00847) (INSTITUTED)**

- On April 27, 2023, Samsung Electronics Co., Ltd. filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,268,608.
- On December 12, 2023, the Board granted the Petition and trial was instituted.
- On September 5, 2024, the Board heard oral argument.
- A final written decision is expected by December 12, 2024.

### **C. DEFENDANTS’ SECOND IPR (PTAB CASE NO. IPR2024-00370) (INSTITUTION DENIED)**

- On January 10, 2024, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,268,608. The IPR is substantially similar to Samsung’s IPR2023-00847.

- On January 10, 2024, Defendants also filed a Motion for Joinder to Samsung’s IPR2023-00847.
- On July 23, 2024, the Board denied Defendants’ IPR Petition and Motion for Joinder to Samsung’s IPR2023-00847.
- On August 21, 2024, Defendants filed a Request for Director Review of the Board’s decision, which remains pending.

**III. U.S. PATENT NO. 10,489,314 (PTAB CASE NOS. IPR2022-00744 AND IPR2022-00745) (FINAL WRITTEN DECISIONS ISSUED – APPEAL PENDING)**

- On March 30, 2022, Defendants filed two Petitions for *Inter Partes* Review of U.S. Patent No. 10,489,314.
- On November 1, 2022, the Board granted the Petitions and trial was instituted.
- On February 7, 2023, Plaintiff submitted its Patent Owner’s Response.
- On May 5, 2023, Defendants submitted their Reply to Patent Owner’s Response.
- On June 16, 2023, Plaintiff submitted its Sur-Reply to Defendants Reply to Patent Owner’s Response.
- On August 15, 2023, Oral Argument for the proceedings was held.
- On October 30, 2023, the Board issued two Final Written Decisions determining no challenged claims unpatentable in either of the IPR proceedings.
- The Federal Circuit docketed Micron’s appeal in consolidated CAFC Case Nos. 24-1312 (Lead) and 24-1313.
- On February 12, 2024 the Federal Circuit confirmed receipt of the Certified List.
- On June 21, 2024, Defendants filed their opening brief.
- Netlist’s responsive brief is currently due September 27, 2024.

Further, as a courtesy to the Court, the parties hereby submit status updates regarding the IPR proceeding challenging the patent that Netlist is asserting against Micron in the Western District of Texas in the above captioned cases:

**IV. U.S. PATENT NO. 8,301,833 (PTAB CASE NO. IPR2022-00418) (FINAL WRITTEN DECISION ISSUED)**

- On January 14, 2022, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 8,301,833.
- On September 1, 2022, the Board granted the Petition and trial was instituted.
- On November 25, 2023, Plaintiff submitted its Patent Owner’s Response.

- On February 17, 2023, Defendants submitted their Reply to Patent Owner’s Response.
- On March 31, 2023, Plaintiff submitted its Sur-Reply to Defendants Reply to Patent Owner’s Response.
- On June 7, 2023, an Oral Argument for the proceeding was held.
- On August 28, 2023, the Board issued its Final Written Decision finding challenged claims 1, 3-17, and 19-30 invalid.
- On December 11, 2023, Micron sued Netlist in Idaho state court alleging that the Netlist’s suit alleging infringement of the ’833 patent was brought in bad faith under Idaho Code § 48-1701, et seq. Netlist then removed to federal court. *Micron Technology, Inc. et al v. Netlist, Inc.*, 1:24-cv-00001-DCN (D. Idaho).
- On February 7, 2024, Netlist moved to dismiss or in the alternative transfer Micron’s bad faith claim to the Western District of Texas on the ground that this was a compulsory counterclaim to Micron’s complaint asserting infringement of the ’833 patent.
- On August 13, 2024, the District of Idaho issued an Order, granting Micron’s motion to remand its bad faith claim to Idaho state court and denying as moot Netlist’s motion to dismiss. On August 20, 2024, Netlist filed a Notice of Appeal, appealing the District of Idaho’s Order to the Federal Circuit. On August 29, 2024, Netlist filed a motion in the District of Idaho to stay the remand pending appeal.

Dated: September 17, 2024

Respectfully Submitted,

/s/ Kelly Ransom

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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on the 17th day of September 2024.

/s/ Kelly Ransom